UNITED STATES PATENT AND TRADEMARK OFFICE

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CHEEMA, UMAR

ART UNIT	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on _09 May 2007_.

2a) ☒ This action is **FINAL**.   2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) _1-10_ is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) _1-10_ is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on _28 July 2003_ is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a) ☒ All   b) ☐ Some *   c) ☐ None of:

   1. ☒ Certified copies of the priority documents have been received.

   2. ☐ Certified copies of the priority documents have been received in Application No. _____.

   3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
   Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

This action is responsive to the Amendment on 9 May 2007. Claims 1-10 are

pending. Claims 1, 3, and 10 have been amended.

Applicant's arguments, see Remarks, filed 05/09/2007, with respect to the

drawings have been fully considered and are persuasive. The objection to the drawings

has been withdrawn.

Claim Rejections - 35 USC § 103

1.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

2.   The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148

USPQ 459 (1966), that are applied for establishing a background for determining

obviousness under 35 U.S.C. 103(a) are summarized as follows:

1.   Determining the scope and contents of the prior art.
2.   Ascertaining the differences between the prior art and the claims at issue.
3.   Resolving the level of ordinary skill in the pertinent art.
4.   Considering objective evidence present in the application indicating
        obviousness or nonobviousness.

3.   **Claims 1-10** are rejected under 35 U.S.C. 103(a) as being unpatentable over

Ciscon et al (US PGPUB 2002/0004827) in further view of Chen et al (US PGPUB

2005/0021802).

4.   Regarding **claim 1**, Ciscon et al teach a multi-layer user management (title,

abstract, par. 0003) method for multicasting proxy, comprising:

dividing a user management for multicasting groups into three layers (abstract, par.

0003): management at an interface layer for controlling multicasting characteristics

corresponding to interfaces (abstract, par. 0014), management at a data link layer (fig.

2 (224)) for controlling multicasting characteristics corresponding to data links and

management at user layer (abstract, fig 1), for controlling multicasting characteristics

corresponding to particular users, and at each layer, setting control blocks that are

respectively comprised of multicasting characteristic data corresponding to said each

layer (abstract, par. 0003, 0013,0014);

establishing a data relationship among the three layers of control blocks (par. 0073, fig.

4); and

managing a user's joining or leaving a multicasting groups using the data relationship

among the three layers of control blocks (abstract, fig. 3-4).

        Ciscon et al do not teach management system including **multicasting proxy** in

their disclosure.

        However in the same field of endeavor, Chen et al teach a multicasting relay

system for a use in a wide area network, including an input receptive of multicasting

data specifying a multicasting channel having a multicasting address. For their system

they include a proxy election module to elect a multicasting server proxy (title, abstract,

par. 0004).

Therefore, it would have been obvious to one of ordinary skill in the art at the

time of the invention to combine the teaching of Cisco et al into the system of Chen et al

for multi-layer user management system for multicasting server proxy. It is true

because proxy server is designed to provide extensible firewall and network security.

5.   Regarding **claim 2**, Ciscon et al teach the method of Claim 1, wherein said

controlling multicasting characteristics corresponding to interfaces includes (par. 0014):

judging whether to allow multicasting applications at an interface, judging whether to

allow multicasting applications at a user side or a network side, judging whether to allow

tying multicasting resources or multicasting groups, limiting the number of members of a

multicasting group or limiting the number of multicasting groups (par. 0026,0085, fig. 4).

(Note: Ciscon et al introduce the Network Controller which may use MPLS to a network

layer or any other OSI (seven layer model) layer for controlling, determining, and

managing data packets for multicasting (par. 0085)).

6.   Regarding **claim 3**, Ciscon et al teach the method of Claim 1, wherein said

controlling multicasting characteristics corresponding to data links is operable to limit

the number of members of a multicasting group (par. 0039,0040).

7.   Regarding **claim 4**, Ciscon et al teach the method of Claim 1, wherein said

controlling multicasting characteristics corresponding to data links is forwarding only

one multicasting packet for all members of the same multicasting group at the same

data link when forwarding data (par. 0036, par. 0038).

8.   Regarding **claim 5**, Ciscon et al teach the method of Claim 1, wherein the data

relationship is established through a linking-list structure or a relational database

structure (par. 0036).

9.   Regarding **claim 6**, Ciscon et al teach the method of Claim 1, wherein the data

relationship is established through a three-dimensional linking-list data structure which

links each control block with linking-lists or arrays; the three dimensions of the three-

dimensional linking-list data structure comprise data link including interface, multicasting

group and user IP (par. 0038, 0039, 0040).

10.   Regarding **claim 7**, combination of Ciscon et al and Chen et al teach the method

of Claim 1, wherein said managing user's joining or leaving a multicasting group (Chen:

par. 0024), comprises:

11.   finding a certain interface layer control block according to data structure of an

interface of net (IFNET) having received a multicasting packet (Ciscon: par. 0056); then

judging multicasting characteristics of the multicasting group which are defined in the

found interface layer control block to determine whether to continue the successive

processing; if so, performing the next steps, otherwise ending the processing (Chen: par. 0024, fig. 6);

finding a certain data link layer control block according to the data relationship between data link layer control blocks and said interface layer control block (Chen: par.0024, fig. 6); then judging multicasting characteristics corresponding to data links of the multicasting packet to determine whether to continue the successive processing; if so, performing the next step, otherwise ending the processing (Chen: par. 0024, fig. 6); and finding a certain user layer control block according to a multicasting group IP and user attributes; then adding, deleting or modifying corresponding user information in the user layer control block (Chen: par. 0024, 0025, fig 6-7).

12. Regarding **claim 8**, Chen et al. teach the method of Claim 7, further comprising: if no proper data link control block is found when finding a certain data link control block, adding a new data link layer control block at the data link (par. 0024, fig 6); and establishing the data relationship among interface layer control blocks, user layer control blocks and the new data link layer control block (fig. 6).

13. Regarding **claim 9**,Ciscon et al teach the method of Claim 1, wherein managing the users of the multicasting groups is forwarding control, further comprising: making data link layer devices attend multicasting management with device cluster control technique (Ciscon: par. 0056, fig. 4).

14. Regarding **claim 10**, Chen et al teach the method of Claim 1, further comprising:

recording the flow of multicasting packets having been forwarded with a device

forwarding program and charging the user who has received said multicasting packets

(par. 0024, fig. 6).

Response to Arguments

15.   Applicant's arguments filed on May 9, 2007 with respect to claims 1-10 have

been fully considered but they are not persuasive.

Applicant argues, see Remarks, "the combination of Ciscon and Chen is

improper, as Chen is not prior art to the subject patent application. More particularly, the

subject patent application has a filing date of July 28, 2003, and a priority date to a

patent application filed in China on August 7, 2002. Chen, on the other hand, has a filing

date of May 23, 2003, with no apparent claim of the benefit of a prior application, either

U.S. or foreign. Applicant respectfully refers the Examiner to the MPEP Section 201.13,

Subsection III regarding the effect of the right of priority. The MPEP states that the right

to rely on the foreign filing extends to overcome any effects of intervening references or

uses. Chen appears to be an intervening reference, as it was filed between the filing

date of the Chinese patent application from which a benefit is claimed and the subject

U.S. patent application, and cannot be prior art reference against the subject patent

application."

In response to the preceding argument, Examiner respectfully refers the

Applicant to the MPEP section 201.15, **¶ 2.19 states that applicant cannot rely upon**

the foreign priority papers to overcome this rejection because a translation of

said papers has not been made of record in accordance with 37 CFR 1.55. See

MPEP § 201.15.

Examiner Note

This paragraph should follow a rejection based on an intervening reference.

"If the priority papers are already in the file when the examiner finds a reference

with the intervening effective date, the examiner will study the papers, if they are in the

English language, to determine if the applicant is entitled to their date. If the applicant is

found to be entitled to the date, the reference is simply not used but may be cited to

applicant on form PTO-892. If the applicant is found not entitled to the date, the

unpatentable claims are rejected on the reference with an explanation. If the papers are

not in the English language and there is no translation, the examiner may reject the

unpatentable claims and at the same time require an English translation for the purpose

of determining the applicant's right to rely on the foreign filing date."

Therefore Chen is still prior art to the subject patent application and the

combination of Ciscon and Chen teach all the limitations recited in amended claim 1

and its dependent claims for the reason above.

Conclusion

16.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the mailing date of this final action.

17.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Umar Cheema whose telephone number is 571-270-

3037. The examiner can normally be reached on M-F 7:30AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Patrick Assouad can be reached on 571-272-2210. The fax phone number

for the organization where this application or proceeding is assigned is 571-273-8300.

18.   Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

uc

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